

IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
AND ZONING VARIANCE - N/S of \* ZONING COMMISSIONER  
Frederick Road, 1025' E of \*  
Westchester Avenue \* OF BALTIMORE COUNTY  
(64 Frederick Road) \*  
1st Election District \* Case No. 93-196-XA  
1st Councilmanic District \*  
Thomas E. Booth, et al \*  
Petitioners \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Zoning Variance filed by the owners of the subject property, Thomas E. Booth, Louis P. Morsberger, and Elmer L. Morsberger. The Petitioners request a special exception to permit a service station use in combination with a food store of less than 5,000 sq.ft. on the B.R.-C.N.S. zoned portion of the subject property. The Petitioners also request variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) From Section 405.4.D.3 to permit a lot area of 19,273 sq.ft. for the "use in combination" on the B.R.-C.N.S. zoned portion of the site in lieu of the required 23,188 sq.ft.; 2) From Sections 405.4.B.4 and 413.2.F to permit business signs totalling 272 sq.ft. in lieu of the maximum permitted 100 sq.ft.; 3) From Section 405.4.B.5 to permit light standards of 16 feet in height in lieu of the permitted 8 feet, or a height greater than 1/8 the distance to the nearest boundary of a residential zone; 4) From Section 405.4.B.3.(a) and (b) to permit the elimination of the 6-foot fence screening to the adjacent residential zone requirement and permit the location of screening in the D.R. 2 zone; and 5) From Section 405.4.A.3.(a) to permit a tangent length of 5 feet in lieu of the required curb tangent length between any access driveway and any property line of not less than 10 feet, all as more particularly described on Peti-

tioner's Exhibit 1.

Appearing on behalf of the Petitioners were Thomas E. Booth and Louis P. Morsberger, two of the property owners. Also appearing on behalf of the Petitioners was James S. Patton, Registered Professional Engineer. Appearing as Protestants in the matter were Wayne M. Martin and Diane Allen.

Testimony indicated that the subject property, known as 64 Frederick Road, consists of a gross area of 0.853 acres, more or less, split zoned B.R.-C.N.S. and D.R. 2, and is improved with a service station which is currently vacant. Said property was the subject of prior Case No. 88-393-XA in which a special exception and variances were granted for a food store use in combination with a service station on March 30, 1988. Thomas Booth testified that he acquired the subject property at a public auction in January 1991 and that the property was subsequently rezoned during the County Council's most recent cyclical zoning process. The current zoning of the property, B.R.-C.N.S. and D.R. 2, was adopted on October 15, 1992. The Petitioners are desirous of remodeling and refurbishing the existing service station and adding a convenience food store to the premises. Due to the unusual topography of the land, the location of existing improvements thereon, and its close proximity to the Patapsco River, the relief requested is necessary in order to proceed with the proposed renovations to the site. Mr. Booth testified that the hours of operation would be from 6:00 AM to 11:00 PM, daily, although they may be extended to a 24-hour use if deemed appropriate.

James S. Patton, Professional Engineer, appeared and testified on behalf of the Petitioners. Mr. Patton prepared the site plan to accompany the Petitions for Special Exception and Zoning Variance which was submitted

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into evidence as Petitioner's Exhibit 1. Mr. Patton testified as to the history of this site, which dates back to the 1920s. Testimony indicated that the subject property was originally part of a quarry and is located at the base of a stone cliff that was created during excavation of the quarry. Mr. Patton testified that the Petitioners have worked closely with the various State and local agencies involved in an effort to comply with all of the State requirements for development of this site and the Baltimore County Zoning Plans Advisory Committee (ZAC) comments which have been submitted. Testimony indicated that the relief requested meets the special exception requirements set forth in Section 502.1 of the B.C.Z.R. and that the granting of the variance relief sought will not result in any detriment to the health, safety or general welfare of the surrounding community.

Wayne Martin appeared and testified in opposition to the relief requested. Mr. Martin previously owned and operated the existing service station on the premises from approximately 1983 until 1987. Testimony indicated that Mr. Martin applied for and obtained a special exception for a food use in combination with a service station in March 1988. He testified that due to a number of operating requirements imposed on him at that time by various State and local agencies, he was unable to continue operating and was eventually forced to close his business in 1987. Thus, he is frustrated that the present owners have planned to operate the same business at which Mr. Martin was unsuccessful. Mr. Martin did not offer any testimony to indicate that the relief requested would be detrimental to the area.

It is clear that the B.C.Z.R. permits the use proposed in a B.R.-C.N.S. zone by special exception. It is equally clear that the proposed

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use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1219 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

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- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Notwithstanding approval of the special exception and variances, I am persuaded that certain restrictions should be imposed. These are contained within the ZAC comments submitted. In fact, Mr. Booth stated during the public hearing that the Petitioners would voluntarily agree to these restrictions as a part of the relief granted.

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Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception and variance relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of January, 1993 that the Petition for Special Exception to permit a service station use in combination with a food store of less than 5,000 sq.ft. on the B.R.-C.N.S. zoned portion of the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth hereinafter; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) From Section 405.4.D.3 to permit a lot area of 19,373 sq.ft. for the "use in combination" on the B.R.-C.N.S. zoned portion of the subject property in lieu of the required 23,188 sq.ft.; 2) From Sections 405.4.B.4 and 413.2.F to permit business signs totalling 272 sq.ft. in lieu of the maximum permitted 100 sq.ft.; 3) From Section 405.4.B.5 to permit light standards of 16 feet in height in lieu of the permitted 8 feet, or a height greater than 1/8 the distance to the nearest boundary of a residential zone; 4) From Section 405.4.B.3.(a) and (b) to permit the elimination of the 6-foot fence screening to the adjacent residential zone requirement and permit the location of screening in the D.R. 2 zone; and 5) From Section 405.4.A.3.(a) to permit a tangent length of 5 feet in lieu of the required curb tangent length between any access driveway and any property line of not less than 10 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Prior to the issuance of any permits, Petitioners shall submit a landscape plan for review and approval by the Deputy Director of Planning and the Landscape Architect for Baltimore County. A copy of the approved plan shall be submitted to the Zoning Administration Office for inclusion in the case file prior to the issuance of any occupancy permits.

3) Compliance with all Zoning Plans Advisory Committee comments, including, but not limited to, the comments submitted by Pat Keller, Deputy Director of the Office of Planning and Zoning, dated January 11, 1993, the recommendations made by J. James DiStar, Director of the Department of Environmental Protection and Resource Management (DEPRM), dated January 19, 1993, and the December 31, 1992 comments submitted by Robert W. Bowling, Chief, Developers Engineering Division of the Department of Public Works.

4) The relief granted herein is contingent upon the Petitioners obtaining approval for an access permit from the State Highway Administration in accordance with the terms and conditions set forth in the comments submitted by John Contestabile, Chief, Engineering Access Permits Division, dated January 5, 1993.

5) Within sixty (60) days of the date of this Order, the Petitioners shall submit a revised site plan for review and approval by Rahes J. Famili, Bureau of Traffic Engineering. Said plan shall incorporate the recommendations made by Mr. Famili as set forth in his ZAC comments dated December 30, 1992.

6) Pursuant to Section 236, et seq. of the B.C.Z.R., the special exception granted herein is limited to that portion of the site zoned B.R.-C.N.S.

7) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

January 26, 1993

Mr. Thomas E. Booth  
Mr. Louis Morsberger  
Mr. Elmer Morsberger  
4 Montrose Avenue  
Catonsville, Maryland 21228

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE  
N/S Frederick Road, 1025' E of Westchester Avenue  
(64 Frederick Road)  
1st Election District - 1st Councilmanic District  
Thomas E. Booth, et al - Petitioners  
Case No. 93-196-XA

Dear Messrs. Booth and Morsberger:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Wayne Martin  
5117 South Street, Relay, Md. 21227

People's Counsel

file



# Petition for Special Exception

93-196-XA  
to the Zoning Commissioner of Baltimore County

for the property located at 64 Frederick Road  
which is presently zoned BR-CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for the BR-CNS portion of the lot:  
SERVICE STATION WITH USES IN COMBINATION FOR  
FOOD STORE (under 5,000 sq. ft.) 1,246 sq. ft. (70%)  
"CARRY-OUT" FOOD SHOP 534 sq. ft. (30%)  
1,780 sq. ft. (100%)

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee: N/A  
Type or Print Name: Thomas E. Booth  
Signature: [Signature]  
Address: Louis Morsberger, Elmer Morsberger  
4 Montrose Ave. (410) 788-5390  
Catonsville, MD 21228  
City: Catonsville, MD 21228  
State: MD  
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted:  
Thomas E. Booth  
4 Montrose Ave. (410) 788-5390  
Catonsville, MD 21228  
City: Catonsville, MD 21228  
State: MD  
ESTIMATED LENGTH OF HEARING: unavailable for hearing  
Next Two Months  
the following date: ALL OTHER  
REVIEWED BY: LG DATE: 12/15/92

ORDER RECEIVED FOR FILING  
Date: 12/15/92  
By: [Signature]

205



# Petition for Variance

93-196-XA  
to the Zoning Commissioner of Baltimore County

for the property located at 64 Frederick Road, CATONSVILLE,  
which is presently zoned BR-CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)  
SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)  
Due to severe topographic and geologic site constraints and the status of the existing improvements on the site having been vested, practical use of the site as a service station with uses in combination can not reasonably be achieved without the variances requested.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee: N/A  
Type or Print Name: Thomas E. Booth  
Signature: [Signature]  
Address: Louis Morsberger, Elmer Morsberger  
4 Montrose Ave. (410) 788-5390  
Catonsville, MD 21228  
City: Catonsville, MD 21228  
State: MD  
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted:  
Thomas E. Booth  
4 Montrose Ave. (410) 788-5390  
Catonsville, MD 21228  
City: Catonsville, MD 21228  
State: MD  
ESTIMATED LENGTH OF HEARING: unavailable for hearing  
Next Two Months  
the following date: ALL OTHER  
REVIEWED BY: LG DATE: 12/15/92

ORDER RECEIVED FOR FILING  
Date: 12/15/92  
By: [Signature]

205

64 FREDERICK ROAD

VARIANCE PETITION THOMAS BOOTH, ET AL.

93-196-XA

## VARIANCES REQUESTED

- From 405.4D.3 to permit a lot area of 19,373 sq. ft. (BR - CNS area) in lieu of the required 23,188 sq. ft. for the "Uses in Combination" proposed;
- From Sections 405.4.b.4 and 413.2F. for business signs totalling 272 sq. ft. in lieu of the permitted 100 feet (all faces);
- From Section 405.4B.5. to permit light standards 16 feet in height in lieu of the permitted 8 feet or a height greater than one eighth the distance to the nearest boundary of a residential zone.
- From Section 405.4B.3.a. and b. to eliminate the six (6) foot screen fence screening requirement to the adjacent residence zone (due to the adjacent sheer rock face, flood plain, topography, natural landscaping) in the alternative to permit the location of the screening in the DR-2 zone.
- From Section 405.4A3.a. to permit a tangent length of five (5) feet in lieu of the required curb tangent length between any access driveway and any property line of not less than ten (10) feet.

## ZONING DESCRIPTION OF TRACT

FOR 64 FREDERICK ROAD

## VARIANCE PETITION

BEGINNING at a point on the North side of Frederick road which is sixty (60) feet wide at the distance of 1,025 feet more or less Southeast of the centerline of the nearest improved intersecting street, Westchester Avenue, which is fifty (50) feet wide, thence the following courses and distances:

South 53° 50' 00" East 179.00 feet  
North 35° 10' 00" East 170.00 feet  
North 50° 41' 00" West 193.42 feet  
South 27° 14' 00" West 45.58 feet  
South 31° 33' 00" West 141.00 feet

to the place of BEGINNING as recorded in Deed Liber 6640, Folio 395.  
SAVING AND EXCEPTING that portion of the above which is zoned D.R. 2 from the Special Exception Petition.

## PORTION OF TRACT

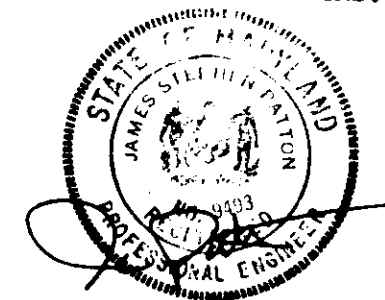
SUBJECT TO

## SPECIAL EXCEPTION PETITION

BEGINNING at the same point of beginning, thence the following courses and distances:

South 53° 50' 00" East 179.00 feet  
North 35° 10' 00" East 116.00 feet +  
North 53° 50' 00" West 187.00 feet +  
South 31° 33' 00" West 114.00 feet +

to the place of BEGINNING. A portion of the tract recorded in Deed Liber 6640, Folio 395. Being all that portion of said tract zoned BR - CNS.



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## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

93-196-XA

District: 1st Date of Posting: 12/15/92  
Posted for: Special Exception & Variance  
Petitioner: Thomas E. Booth, Louis Morsberger, Elmer Morsberger  
Location of property: 64 Frederick Rd, Catonsville, MD 21228  
Location of signs: 64 Frederick Rd, Catonsville, MD 21228  
Remarks: [Signature]  
Posted by: [Signature] Date of return: 12/15/92  
Number of signs: 2

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/31/92

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/31/92

THE JEFFERSONIAN,

S. Zebe Ober  
Publisher



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

## receipt

Date: 12/15/92  
Account: R-001-6150  
Number: 93-196-XA  
PUBLIC HEARING FEES  
QTY PRICE  
000 - ZONING VARIANCE (OTHER) 1 X \$250.00  
000 - SPECIAL EXCEPTION 1 X \$300.00  
TOTAL: \$550.00  
LAST NAME OF OWNER: BOOTH, MORSEBERGER  
04A04#0036NICHRC \$550.00  
BA C00351PM12-15-92  
Please Make Checks Payable To: Baltimore County  
Cashier Validation



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

## receipt

Date: 12/15/92  
Account: R-001-6150  
Number: 93-196  
PUBLIC HEARING FEES  
QTY PRICE  
000 - ZONING VARIANCE (OTHER) 1 X \$250.00  
000 - SPECIAL EXCEPTION 1 X \$300.00  
TOTAL: \$550.00  
LAST NAME OF OWNER: BOOTH, MORSEBERGER  
04A04#0036NICHRC \$550.00  
BA C00351PM12-15-92  
Please Make Checks Payable To: Baltimore County  
Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE: 1-6-93

Thomas E. Booth, et al  
4 Montrose Avenue  
Catonsville, Maryland 21228

RE:  
CASE NUMBER: 93-196-XA (Item 205)  
N/S Frederick Road, 1025' E of Westchester Avenue  
64 Frederick Road  
1st Election District - 1st Councilmanic  
Petitioners: Thomas E. Booth, Louis Morsberger, & Elmer Morsberger  
HEARING: WEDNESDAY, JANUARY 20, 1993 at 9:00 a.m. in Rm. 118 Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 109.85 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jablon  
DIRECTOR

Printed on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

## NOTICE OF HEARING

DEC 21 1992

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-196-XA (Item 205)  
N/S Frederick Road, 1025' E of Westchester Avenue  
64 Frederick Road  
1st Election District - 1st Councilmanic  
Petitioners: Thomas E. Booth, Louis Morsberger, & Elmer Morsberger  
HEARING: WEDNESDAY, JANUARY 20, 1993 at 9:00 a.m. in Rm. 118 Old Courthouse.

Special Exception for a service station with uses in combination for a food store and "carry-out" food shop.  
Variance to permit a lot area of 19,373 sq. ft. (BR-CNS area) in lieu of the required 23,188 sq. ft. for the "Uses in Combination" proposed; to permit business signs totalling 272 sq. ft. in lieu of the permitted 100 ft. (all faces); to permit light standards 16 ft. in height in lieu of the permitted 8 ft. or height greater than one eighth the distance to the nearest boundary of a residential zone; and to eliminate the six (6) foot screen fence screening requirement to the adjacent residence zone (due to the adjacent sheer rock face, flood plain, topography, natural landscaping) in the alternative, to permit the location of the screening in the DR-2 zone.

Arnold Jablon  
Director

cc: cc: Thomas E. Booth

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Printed on Recycled Paper



Mr. Thomas E. Booth  
4 Montrose Avenue  
Catonsville, MD 21228

RE: Case No. 93-196-XA, Item No. 205  
Petitioner: Thomas E. Booth, et al  
Petition for Variance & Special Exception

Dear Mr. Booth:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Your petition has been received and accepted for filing this 15th day of December 1992.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:

*W. Carl Richards Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Thomas E. Booth, et al  
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: December 31, 1992  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for January 4, 1993  
Item No. 205

The Developers Engineering Division has reviewed the subject zoning item.

Frederick Road is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

A 100-year frequency drainage study is necessary for Copper Branch prior to issuance of a building permit.

A landscape plan that complies with the Landscape Manual is required to be approved prior to the release of the grading permit.

The variance request from Section 405.4B.3.a. and b. is not necessary. This zoning regulation defers to the Landscape Manual where the issue can best be addressed as part of the overall landscape design.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

Rec'd 1/4/93

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Tom Booth  
64 Frederick Road  
Item # 205 (LJG)

RECEIVED ZONING OFFICE  
DATE: 01/14/93

Dear Ms. Winiarski:

This office has reviewed the referenced item and we offer the following:

After a field inspection of this site, we have no objection to approval of the variance request to permit a curb tangent length of 5', in lieu of the standard 10' section for the entrances to the site.

This office had previously reviewed this site, and had no objection to the proposed reconstruction of the existing entrances. Entrance reconstruction shall be subject to the terms and conditions of an access permit issued by this office, which must be obtained prior to the State Highway Administration signing off approval for the building permit.

The following items are required permit application submittals:

- Eight (8) copies of the site plan showing the SHA requirements.
- Completed application.
- Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities.

My telephone number is 410-333-1350 (Fax# 333-1041)

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 545-0451 D.C. Metro - 1-800-492-5862 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

Ms. Julie Winiarski  
Page 2  
January 5, 1993

Upon receipt of the above items, this office will process the permit. Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*John Contestabile*  
John Contestabile, Chief  
Engineering Access Permits  
Division

BS/es

cc: Mr. Darrell Wiles  
Mr. Robert Covey

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: December 30, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famiili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: December 28, 1992

ITEM NUMBER: 205

- The proposed handicapped space should be relocated closer to the building.
- The four angled parking spaces must be realigned to 90° angled parking spaces.
- Access to Frederick Road is subject to SHA approval.

*Rahee J. Famiili*  
Rahee J. Famiili  
Traffic Engineer II

RJF/WKL/lvd

Rec'd 1/4/93

Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21286-5500

DECEMBER 28, 1992

(410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: THOMAS E. BOOTH AND LOUIS MORSBERGER AND  
ELMER MORSBERGER

Location: #64 FREDERICK ROAD

Item No.: +205 (LJG) Zoning Agenda: DECEMBER 28, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Capt. Dennis J. ...* Noted and  
Planning Group Approved  
Special Inspection Division Fire Prevention Bureau

JP/KEK

93-196-XA  
1/20/93

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

DATE: January 11, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: 64 Frederick Road

INFORMATION:  
Item Number: 205

Petitioner: Thomas E. Booth

Property Size: 0.853

Zoning: BR-CNS, DR 2

Requested Action: Special Exception, Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

This petitioner is requesting Special Exception for a service station with uses in combination for food store and carryout food shop. Also a variance is being requested to permit a lot area of 19,373' to permit business signs totaling 272 square feet; to permit light standards of 16'; to eliminate the 6' screen fence screening requirement and to permit a tangent length of 5 feet.

This particular service station has been out of business for some time and has been deteriorating ever since the operators closed down. Currently, this service station is a neighborhood "eye sore" and renovation of existing conditions will enhance the physical appearance of the area.

The Office of Planning and Zoning recommends APPROVAL of the petitioner's request. However, staff recommends that the following conditions should be included as part of the Zoning Commissioner's Order.

- A landscape plan submitted to the Deputy Director of Planning and Zoning for approval in conjunction with Baltimore County's Landscape Architect and the approved landscape plan should become part of the Zoning Officer's official files.
- A note placed on the landscape plan indicating that any planting provided in the public right-of-way shall be maintained by the owner of the property.
- Lighting shall be arranged to reflect light away from adjacent residential properties and public streets.
- No outdoor display of retail merchandise shall be permitted.
- No temporary signs or seasonal banners shall be displayed.
- Water and high pressure air service should be provided on site.
- Dumpsters should be fully enclosed and landscaped.

Prepared by: *James M. ...*

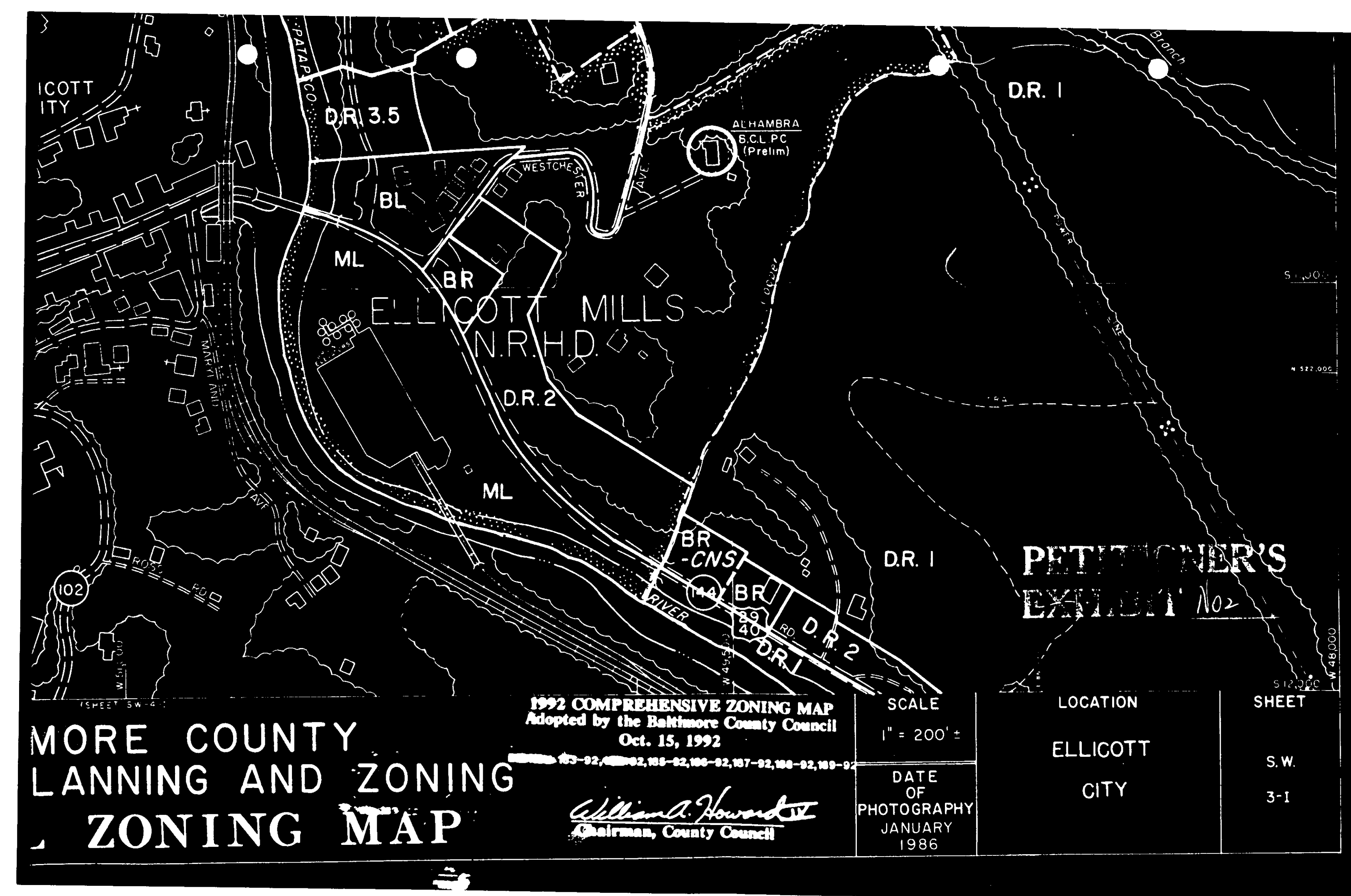
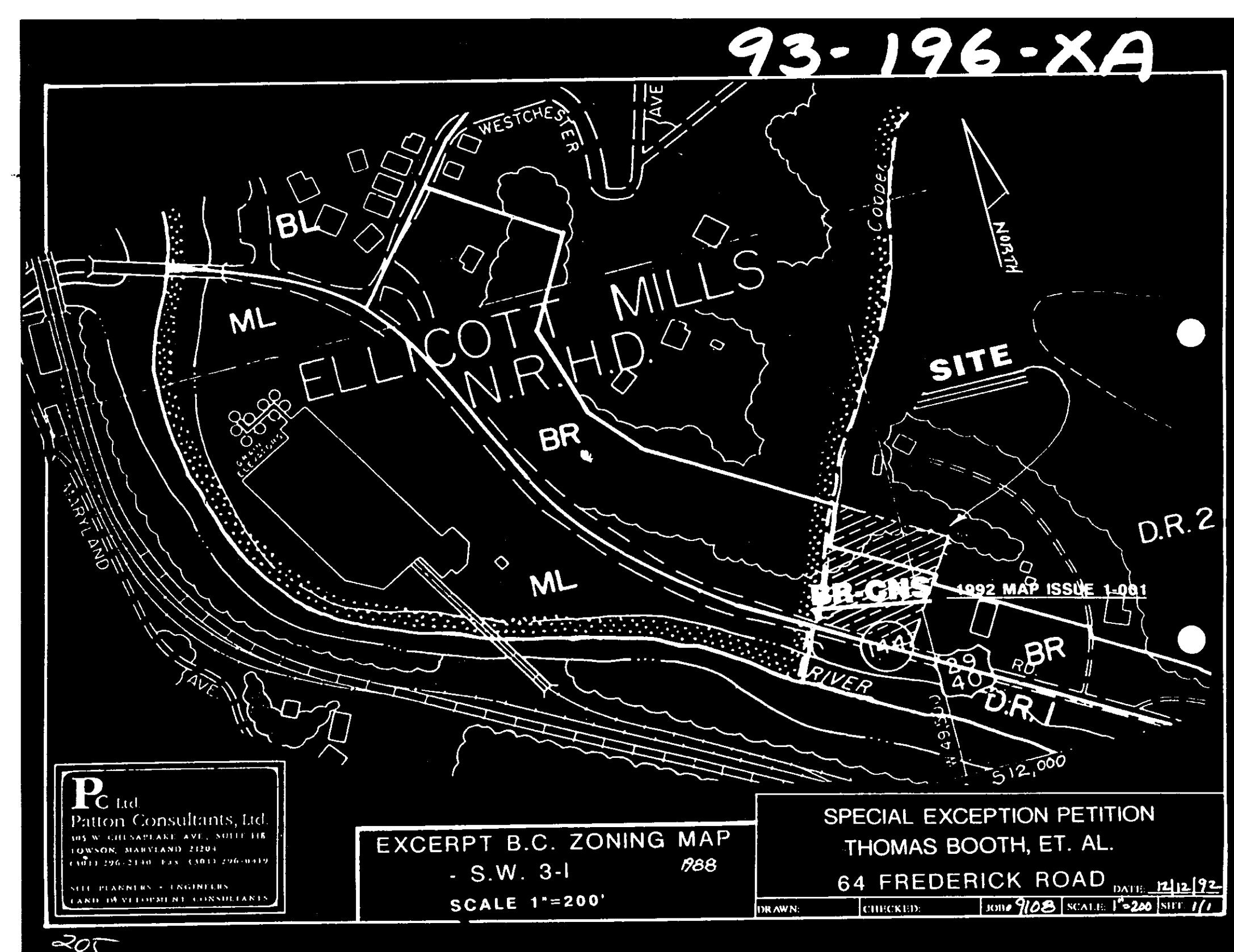
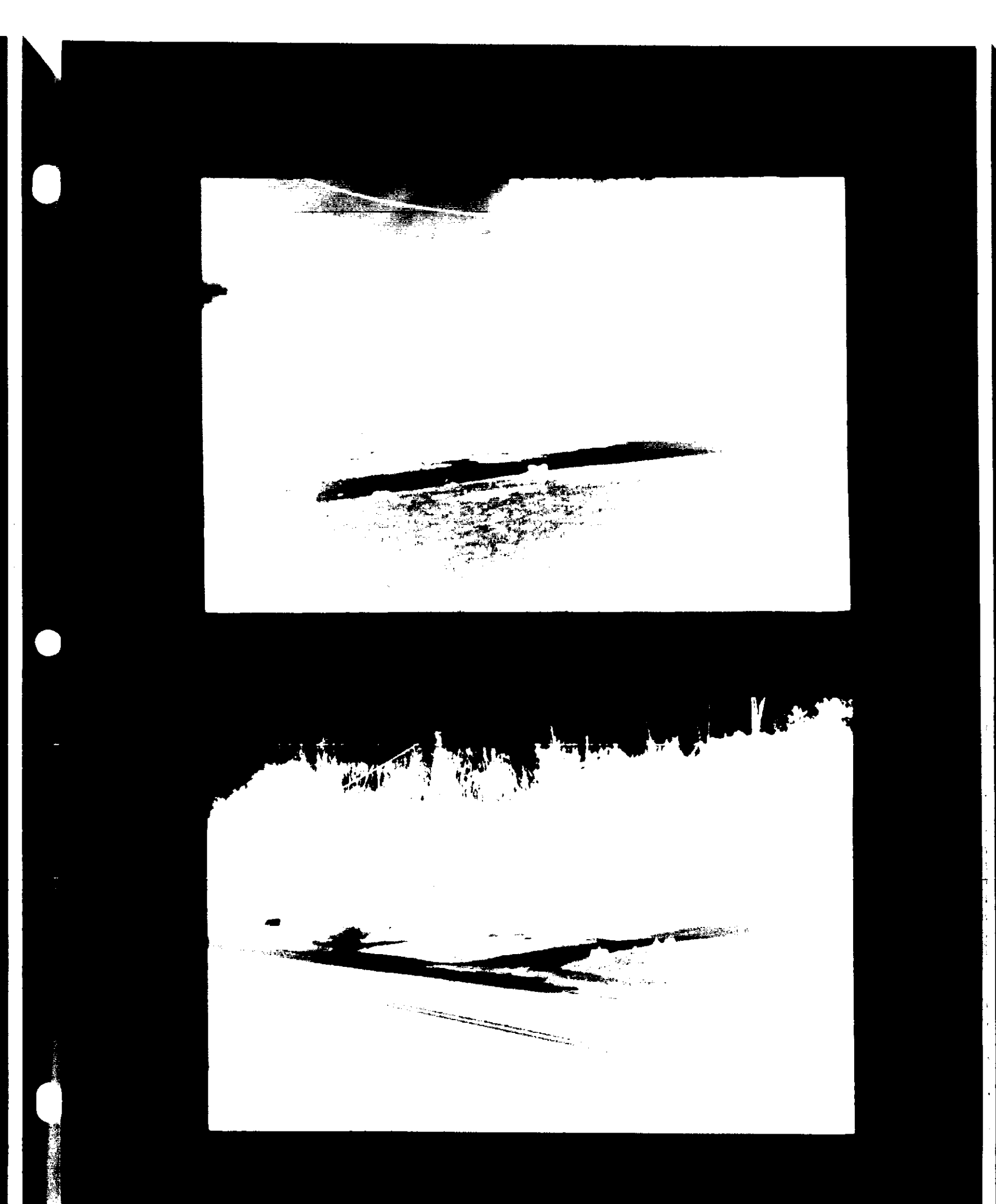
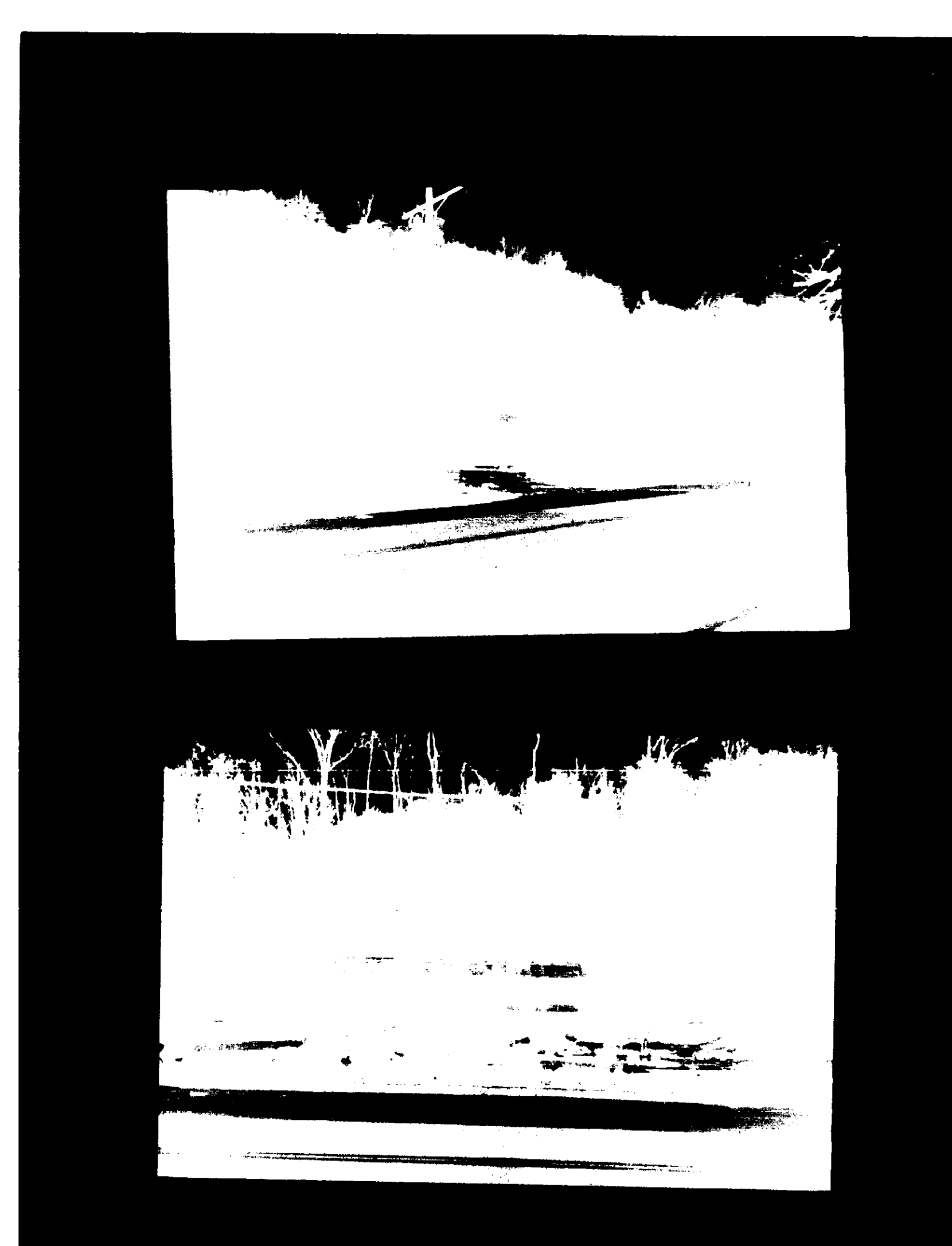
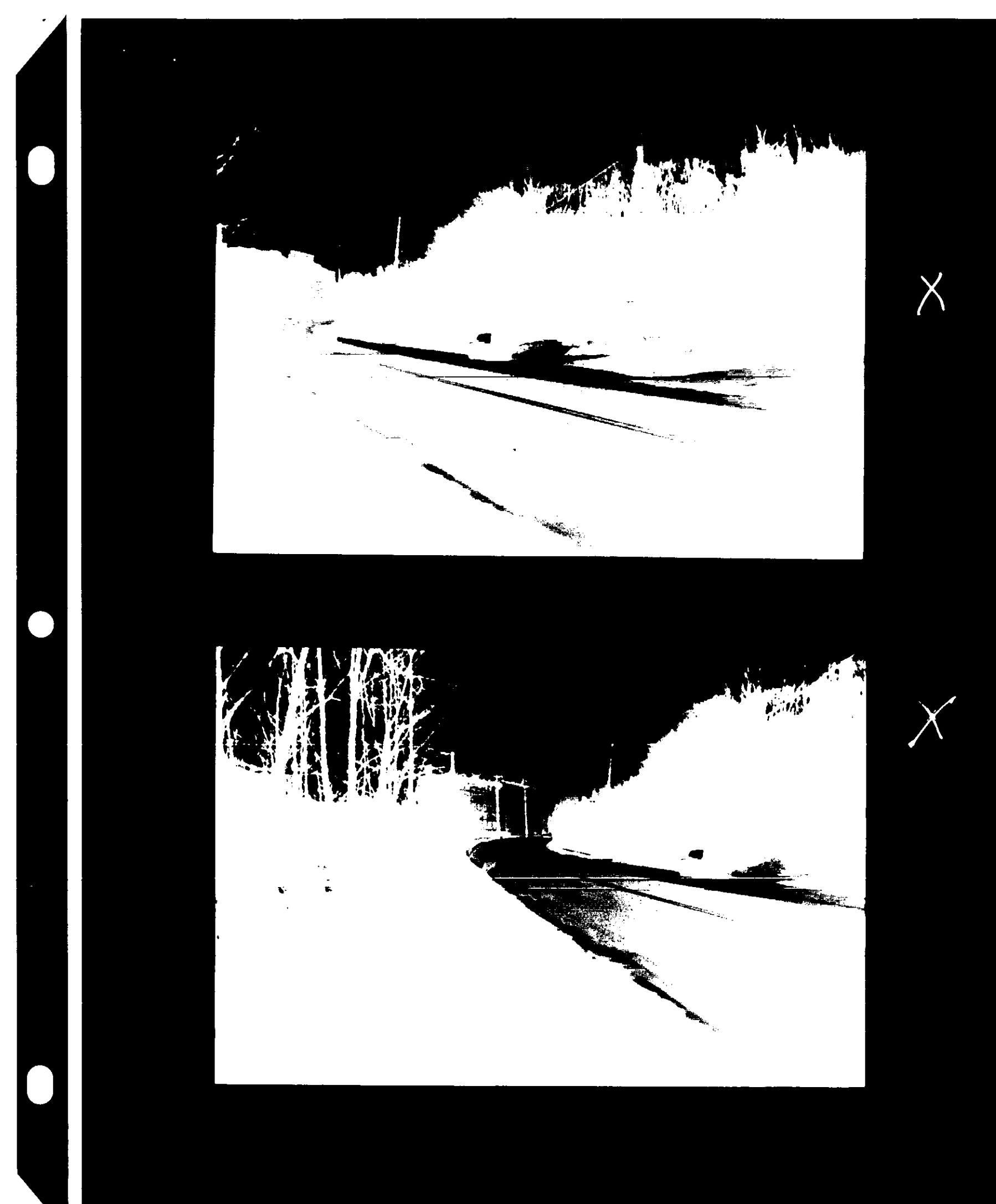
Division Chief: *Carlyle ...*

PK/EM:rdn

205 ZAC/ZAC1

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1 of 1